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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,932	09/23/2003	Timothy McGrath	N0173US	3389

37583 7590 02/28/2005

NAVIGATION TECHNOLOGIES  
222 MERCHANDISE MART  
SUITE 900, PATENT DEPT.  
CHICAGO, IL 60654

EXAMINER
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BEAULIEU, YONEL

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 02/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/668,932

**Applicant(s)**

MCGRATH, TIMOTHY

**Examiner**

Yonel Beaulieu

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/08/04&8/17/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Response to Arguments***

Applicant's arguments filed 1/7/05 have been fully considered but they are not persuasive.

Applicant argues claim 1 recites and the references of record fail to teach "*broadcast service area is a portion of the geographic region not defined by a transmission area of a single broadcast equipment.*" While the prior art may not teach what is argued to that extent, the Examiner maintains there is not enough support for the added limitations and that constitutes new matter. Claim 1 will be addressed accordingly in the rejection portion of this correspondence.

With regard to the arguments concerning claim 14, the Examiner maintains the Nakamura reference does teach using a reference code identifying a broadcast service area (see Nakamura's col. 8, line 25 - - col. 9, line 16 at least).

As to the arguments concerning claim 19, the Examiner maintains the Nakamura reference does disclose the location reference code of the traffic condition. Note Nakamura's col. 8, lines 26 – 54 at least, wherein, the traffic condition relates to the acquired map broadcast map information having an identification embedded therein.

For at least the above reasons, it is believed the rejection is proper.

***Information Disclosure Statement***

The information disclosure statements (IDS) submitted on 17 August 2004 and 8 October 2004 are being considered by the examiner.

***Claim Objections***

Amended claim 1 is objected to because of the following informalities: it is suggested to change "define" to - -defined- - (line. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1 – 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claim 1, the limitation "...said broadcast service area is a portion of the geographic region ***not define by a transmission area of a single broadcast equipment...***" is not supported by the specification. Claims dependent upon claim 1 are necessarily rejected.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 4, 7 – 10, 13 – 17, and 19 – 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US 6,115,667).

Regarding claims 1, 8, 10, 13 - 16, and 19, Nakamura teaches facilitating delivery of traffic messages indicating a traffic condition comprising obtaining data indicating a plurality of traffic conditions on a road network in a geographic region and providing a location description, and identifying at least one broadcast service area in which the traffic condition is located (col. 5: 12 – 16 and col. 8: 55 – 65 at least); and transmitting a plurality of messages, each associated with a service area code identifying the area in which the traffic condition is located (col. 8: 26 – 36 at least; note also the format of the traffic message as shown in figs. 5 and 6; col. 3: 24 – 30 at least); and a service provider (as illustrated in fig. 4).

Regarding claims 2 – 4, 20, and 21, Nakamura further teaches the broadcast service area being a county or a portion of a metropolitan area (as illustrated in fig. 3).

Regarding claims 7, 9, and 17, Nakamura further teaches an end user computing platform (10) receiving the traffic messages (see fig. 2) and filtering the messages to process only the messages having the area matching the service area (ID codes assigned and associated with the area; note col. 8: 26 – 36 at least).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 6, 11, 12, 18, and 22 - 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura as applied to claims 1 and 19.

Regarding claims 5, 6, 22, and 23, Nakamura is not explicit on the geographic area representing an area within a country or more than one country; however, it would have been obvious to one of ordinary skill in the art at the time of the invention Nakamura does illustrate fig. 3 which suggests the different areas (A, B, C, and D) are part of a country or represent area within more than one country in order to achieve the end result of delivering or facilitating traffic messages.

As for claims 11, 12, 18, and 24 – 26, making the traffic message in ALERT-C format would have been obvious to one of ordinary skill in the art at the time of the invention as being old and well known (see for example US 6,477,459 to Wunderlich).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonel Beaulieu whose telephone number is (703) 305-4072. The examiner can normally be reached on M-R, from 0900-1600.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas BLACK can be reached on (703) 305-8233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY EXAMINER